

REMARKS

Claim 2 is in this application and is presented for reconsideration. It is Applicant's belief that the claim 2 as currently presented reads over the prior art of reference. Therefore, Applicant respectfully makes assertions for the overcoming the rejections of the outstanding office action dated November 25, 2005 in the following paragraphs.

Claim rejections -- 35 USC §102

Claim 2 has been rejected under 35 USC §102 (b) as being anticipated by the US patent number 4,501,340 to Yoshida (the "Yoshida' 340" reference, hereinafter). The Patent Office takes the position that the Yoshida' 340 reference discloses all of the elements as disclosed in claim 2.

The prior art as a whole including the new sheet of 340 reference neither teaches nor suggests the present invention as claimed. The Yoshida' 340 reference discloses a hydraulic master cylinder for a motorcycle including a body defining an oil reservoir therein which is mounted in an axially aligned relationship with the handlebar.

It is clear that the Office considers stand 2 of the Yoshida' 340 reference anticipates the steering stem as claimed in the present invention. However, the Yoshida '340 refers (column 1, lines 62 to 68) to a motorcycle having "a pair of transversely spaced front forks, of which only the right hand one is shown..." Therefore, the reference of the Yoshida discloses the stem 2 which is only one part, in fact, the top portion of a spaced fork 1 joined to a slide handlebar of a motorcycle.

In view of the above factual basis, it is clear that the Yoshida' 340 reference does not

anticipate the steering stem of the present invention for the following two reasons:

-- the stem 2 of the Yoshida' 340 reference is not a steering stem, but instead a laterally spaced fork;

-- the Yoshida' 340 reference refers to a motorcycle handlebar, while claim 2 discloses a bicycle apparatus.

Furthermore, it should also be noted that the handlebar structure used in a motorcycle (as the one shown by the Yoshida' 340 reference) is completely different from that used in bicycles (and the claimed), and corresponds to different technical requirements.

In particular, the lateral forks of the Yoshida' 340 reference are necessary to exert the necessary force and control on the handlebar, so that it should not be conceivable to also associate the handlebar of the Yoshida' 340 reference in connection with bicycle brake apparatus having a steering stand connected to the handlebar through a central lug.

Therefore, it is applicant's petition that the Yoshida' 340 reference neither anticipates nor suggests the present invention as claimed.

Claim rejections -- 35 USC §103

Claim 2 has been rejected under 35 USC §103(a) as being unpatentable over the US patent number 6502675 to Andrus (the "Andrus' 675" reference, hereinafter) in view of the Yoshida' 340 reference. The Andrus' 675 reference is a previously utilized prior art reference disclosing an integrated handlebar expansion and master cylinder apparatus for use on the handlebar of an associated motorcycle.

The Patent Office admits that the Andrews' 675 reference lacks a specific showing of

the pump assembly being inside the lug connecting the handlebar to the steering stem of the bicycle. However, the Office relies on the Yoshida' 340 reference to disclose this feature and concludes that such a modification to the Andrus' 675 reference in view of the teachings of the Yoshida' 340 reference, would have been obvious to the ordinary skill person in the art at the time of the invention.

Applicant disagrees with this assessment made by the Patent Office with regards to the Andrus' 675 reference. The Andrus 675 reference fails to disclose a lug connection connecting the handlebar to the steering stem of the bicycle, so that the combination of Yoshida' 340 reference with the Andrus' 675 reference do not meet all the claimed combination of features.

In other words, both the Andrus' 675 reference and the Yoshida' 340 reference discloses to a person of ordinary skill in the art to apply the handlebar technology in the motorcycle industry, and not in the bicycle art. This technology is completely different from the present invention as claimed. In essence, there is no record or suggestion of any structure such as a single rotatable steering stem.

Absent a teaching or suggestion of the important feature of the present invention, the combined references clearly do not direct the person of ordinary skill in the art to the combination is claimed. In other words, there must be some suggestion or teaching in the prior art as a whole which would lead the person of ordinary skill in the art to provide the combination as claimed for a bicycle. As the prior art does a whole fails to direct the person of ordinary skill in the art to the claimed combination, the claimed invention should be considered not anticipated, nonobvious, and thus patentable.

Therefore, applicant finds that the Andrus' 675 reference in combination with the

Yoshida' 340 reference does not anticipate the current invention and there is no suggestion or motivation to use the teachings of the references to provide the combination as claimed.

As the prior art fails to suggest the combination of features as claimed, Applicant respectfully requests that the Examiner reconsider the rejection in view of the discussion above. Applicant respectfully or solicits allows of this application.

It is applicant's petition that all claims are now up allowable. Should the examiner determined that issues remained that have not been resolved by this response, the examiner is requested to contact applicant's representative at the number listed below.

Favorable action is requested.

Respectfully submitted
for Applicant,

By


John James McGlew

Registration No. 31,903

McGLEW AND TUTTLE, P.C.

JJM/DWK:

71277.16

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 10/764,886 (10 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER 571-273-8300 ON THE DATE SHOWN BELOW.

MARIA NOWELL

NAME OF PERSON SIGNING CERTIFICATION

Maria Nowell

SIGNATURE

DATED: February 1, 2006
McGLEW AND TUTTLE, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855